

1 SHELLEY D. KROHN, TRUSTEE
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7 UNITED STATES BANKRUPTCY COURT
8 DISTRICT OF NEVADA

9 In re) Case No. BK-S 15-12810 LED
10 PARNELL COLVIN III) IN PROCEEDINGS UNDER CHAPTER 7
11) TRUSTEE'S MOTION TO DISMISS CASE FOR
12) FAILURE TO FILE REQUIRED DOCUMENTS
13) UNDER SECTION 521(i)
14 Debtor(s)) (NO HEARING REQUIRED)
15)

16 The Motion of Shelley D. Krohn (the "Trustee") to dismiss this case represents:

17 1. Debtor filed for relief under the Bankruptcy Code on 05/15/15, and the Trustee has
18 duly qualified and is now acting as the Chapter 7 Trustee of the estate of the above-referenced
19 debtor.

20 2. Debtor marked the petition designating that "Debts are primarily consumer debts."

21 3. Debtor failed to file schedules for more than 45 days after the filing of his petition.

22 *See Docket attached as Exhibit "A."*

23 4. Bankruptcy Code § 521 (i) provides

24 (1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an
25 individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the
26 information required under subsection (a)(1) within 45 days after the date of the filing
27 of the petition, the case shall be automatically dismissed effective on the 46th day after
28 the date of the filing of the petition.

1 (2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party
2 in interest may request the court to enter an order dismissing the case. If requested, the court
3 shall enter an order of dismissal not later than 7 days after such request.

4 (3) Subject to paragraph (4) and upon request of the debtor made within 45 days after
5 the date of the filing of the petition described in paragraph (1), the court may allow
6 the debtor an additional period of not to exceed 45 days to file the information
7 required under subsection (a)(1) if the court finds justification for extending the
8 period for the filing.

9 (4) Notwithstanding any other provision of this subsection, on the motion of the
10 trustee filed before the expiration of the applicable period of time specified in
11 paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to
12 dismiss the case if the court finds that the debtor attempted in good faith to file all the
13 information required by subsection (a)(1)(B)(iv) and that the best interests of creditors
14 would be served by administration of the case.

15
16 WHEREFORE, Trustee prays for an order confirming the automatic dismissal of this case,
17 and such other and further relief as is just and proper.

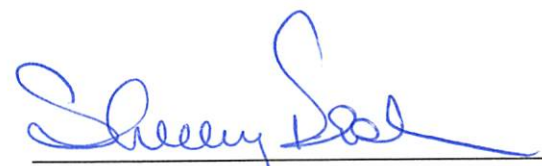
18 DATED 7/6/15

19 
20 SHELLEY D. KROHN, TRUSTEE

21 **DECLARATION OF TRUSTEE**

22
23 I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my
24 knowledge, information and belief.

25 DATED: 7/6/15

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27 SHELLEY D. KROHN
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EXHIBIT “A”

DebtEd, BAPCPA, MEANSU, PRIORFILING

**U.S. Bankruptcy Court
District of Nevada (Las Vegas)
Bankruptcy Petition #: 15-12810-led**

Assigned to: LAUREL E. DAVIS
Chapter 7
Voluntary
No asset

Date filed: 05/15/2015
341 meeting: 06/17/2015
Deadline for objecting to discharge: 08/17/2015

Debtor
PARNELL COLVIN, III
2258 MOHAWK ST
LAS VEGAS, NV 89146
CLARK-NV
SSN / ITIN: xxx-xx-0590

represented by **PARNELL COLVIN, III**
PRO SE

Trustee
SHELLEY D. KROHN
228 S. 4th STREET, STE 300
LAS VEGAS, NV 89101
702-421-2210

U.S. Trustee
U.S. TRUSTEE - LV - 7
300 LAS VEGAS BOULEVARD, SO.
SUITE 4300
LAS VEGAS, NV 89101

Filing Date	#	Docket Text
05/15/2015	<u>1</u> (7 pgs)	Chapter 7 Voluntary Petition. Fee Amount \$0.00. Request for fee to be paid in installments. Filed by PARNELL COLVIN III (ccc) (Entered: 05/15/2015)
05/15/2015	<u>2</u> (3 pgs)	Meeting of Creditors and Notice of Appointment of Trustee SHELLEY D. KROHN, . 341 meeting to be held on 06/17/2015 at 10:00 AM at 341s - Foley Bldg,Rm 1500. Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts due by 08/17/2015. (Entered: 05/15/2015)
	<u>3</u>	Statement of Social Security Number(s). This document contains sensitive information and cannot be viewed by the public. Filed by PARNELL COLVIN III (ccc) (Entered: 05/15/2015)

05/15/2015		05/15/2015)
05/15/2015	<u>4</u> (4 pgs)	Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments with Proposed Order Filed by PARNELL COLVIN III (ccc) (Entered: 05/15/2015)
05/15/2015	<u>5</u>	Set Deficient Filing Deadlines. Incomplete Filings due by 5/29/2015. Verification of Creditor Matrix due by 5/29/2015. Summary of schedules due by 5/29/2015. Schedules A-J due by 5/29/2015. Declaration Re: Schedules due by 5/29/2015. Statement of Financial Affairs due by 5/29/2015. Statement of Intent due by 6/15/2015. Statement of Current Monthly Income and Means Test Form 22A-1 Due: 5/29/2015. (ccc) (Entered: 05/15/2015)
05/15/2015	<u>6</u> (7 pgs)	Notice of Incomplete and/or Deficient Filing. (ccc) (Entered: 05/15/2015)
05/17/2015	<u>7</u> (4 pgs)	BNC Certificate of Mailing (Related document(s) <u>2</u> Meeting of Creditors Chapter 7 No Asset (BNC)) No. of Notices: 11. Notice Date 05/17/2015. (Admin.) (Entered: 05/17/2015)
05/17/2015	<u>8</u> (8 pgs)	BNC Certificate of Mailing. (Related document(s) <u>6</u> Incomplete and/or Deficient Filing-Ch 7 Individual (BNC)) No. of Notices: 1. Notice Date 05/17/2015. (Admin.) (Entered: 05/17/2015)
05/18/2015		Notice of Debtor's Prior Filing for debtor PARNELL COLVIN, III Case Number <u>13-33280</u> , Chapter 7 filed in Oregon Bankruptcy Court on 05/23/2013.(Admin) (Entered: 05/18/2015)
05/18/2015	<u>9</u> (1 pg)	Order on Debtor's Request for Exemption Due to Disability, Incapacity, or Active Military Duty Pursuant to 11 USC Section 109(h)(4) (Related document(s) <u>1</u> Voluntary Petition 7 filed by Debtor PARNELL COLVIN.) (ccc) (Entered: 05/18/2015)
05/18/2015	<u>10</u> (1 pg)	Order Granting Debtor's Application for Waiver of the Chapter 7 Filing Fee (Related Doc # <u>4</u>) (ccc) (Entered: 05/18/2015)
05/20/2015	<u>11</u> (9 pgs)	Ex Parte Motion to Confirm Termination or Absence of Stay with Proposed Order Filed by EDWARD KANIA on behalf of LAND KINGS LLC (KANIA, EDWARD) (Entered: 05/20/2015)

05/20/2015	<u>12</u> (2 pgs)	BNC Certificate of Mailing - pdf (Related document(s) <u>10</u> Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee (BNC)) No. of Notices: 1. Notice Date 05/20/2015. (Admin.) (Entered: 05/20/2015)
05/20/2015	<u>13</u> (2 pgs)	BNC Certificate of Mailing - pdf (Related document(s) <u>9</u> Order on Debtor's Request for Exemption Due to Disability, Incapacity, or Active Military Duty Pursuant to 11 USC Section 109(h)(4)) No. of Notices: 11. Notice Date 05/20/2015. (Admin.) (Entered: 05/20/2015)
05/26/2015	<u>14</u> (4 pgs)	Motion for Order Shortening Time Filed by EDWARD KANIA on behalf of LAND KINGS LLC (Related document (s) <u>11</u> Motion to Confirm Termination or Absence of Stay filed by Creditor LAND KINGS LLC)(KANIA, EDWARD) (Entered: 05/26/2015)
05/26/2015	<u>15</u> (3 pgs)	Affidavit Of: Support of Motion for Order Shortening Time Period for Notice and Hearing Pursuant to Local Rule 9006 Filed by EDWARD KANIA on behalf of LAND KINGS LLC (Related document(s) <u>14</u> Motion for Order Shortening Time filed by Creditor LAND KINGS LLC) (KANIA, EDWARD) (Entered: 05/26/2015)
05/26/2015	<u>16</u> (3 pgs)	Order Granting Motion for Order Shortening Time (Related document(s) <u>14</u>). Hearing scheduled 6/2/2015 at 11:00 AM at LED-Courtroom 3, Foley Federal Bldg. (Related document(s) <u>11</u> Motion to Confirm Termination or Absence of Stay filed by Creditor LAND KINGS LLC.) (ccc) (Entered: 05/26/2015)
05/27/2015	<u>17</u> (6 pgs)	Notice of Entry of Order with Certificate of Service Filed by EDWARD KANIA on behalf of LAND KINGS LLC (Related document(s) <u>16</u> Order on Motion for Order Shortening Time) (KANIA, EDWARD) (Entered: 05/27/2015)
05/27/2015	<u>18</u> (1 pg)	Motion to Extend Deadline to File Schedules or Provide Required Information Filed by PARNELL COLVIN III (ccc) (Entered: 05/28/2015)
05/28/2015	<u>19</u> (1 pg)	Certificate of Service Filed by EDWARD KANIA on behalf of LAND KINGS LLC (Related document(s) <u>16</u> Order on Motion for Order Shortening Time) (KANIA, EDWARD) (Entered: 05/28/2015)
	<u>20</u> (3 pgs)	Certificate of Service Filed by EDWARD KANIA on behalf of LAND KINGS LLC (Related document(s) <u>16</u> Order on

05/29/2015		Motion for Order Shortening Time) (KANIA, EDWARD) (Entered: 05/29/2015)
06/02/2015	<u>21</u> (3 pgs)	Order Granting Motion to Confirm Termination or Absence of Stay (Related Doc # <u>11</u>) (ccc) (Entered: 06/02/2015)
06/08/2015	<u>22</u> (6 pgs)	Notice of Entry of Order with Certificate of Service Filed by EDWARD KANIA on behalf of LAND KINGS LLC (Related document(s) <u>21</u> Order on Motion to Confirm Termination or Absence of Stay) (KANIA, EDWARD) (Entered: 06/08/2015)
06/12/2015	23	The United States Trustee will not be filing a Motion to Dismiss at this point because the debtor has not filed nor transmitted all of the required means testing documents and that without these documents, the UST cannot make a determination as to whether debtor's case is presumed abusive under Section 707(b). Filed by U.S. Trustee. (14-17792BLOOM, J) (Entered: 06/12/2015)
06/19/2015	24	Statement Adjourning Meeting of 341(a) Meeting of Creditors. Section 341(a) Meeting Continued on 7/15/2015 at 9:00 AM at 341s - Foley Bldg,Rm 1500. (KROHN, SHELLEY) (Entered: 06/19/2015)

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